

SCHEDULE 53 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO53**.

CREMORNE ENTERPRISE PRECINCT – CHURCH STREET PRECINCT**1.0**

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Proposed C318yara

Design objectives

To create a thriving commercial and retail precinct which delivers high quality, innovative and environmentally sustainable development to support commercial and employment opportunities.

To support mid-rise built form with taller built form on Church Street and transitioning down in scale to a lower built form on narrow east-west side streets and adjoining low rise residential interface areas.

To reinforce the high street character and vibrancy of Church Street and fine grain industrial character of side streets through well designed new buildings and protection and adaptation of heritage and character buildings.

To ensure development enhances the public realm and contributes to a network of pedestrian orientated streets through street activation, human scale development, sunlight access to Church and Balmain Streets and open spaces, comfortable wind conditions, and street setbacks at ground level.

To ensure development responds to interfaces with residential precincts to minimise amenity impacts such as visual bulk, overlooking and overshadowing through appropriate scaling and transition in built form.

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Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- Rear ground floor extensions no higher than 4 metres above natural ground level.
- An alteration to an existing building façade provided.
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Additional shadow means any shadow cast beyond any shadow cast by existing buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

Boundary wall means the wall of a building at the property boundary at the side and rear that is not a street.

Character buildings means buildings that contribute to Cremorne's visual character but are not protected under the Heritage Overlay and may include pubs, factories, warehouses and offices. Character buildings are:

- Are architecturally distinct.
- Demonstrate a link to the industrial and commercial history of the area.
- Have a three dimensional form of the building visible from the public domain.
- Contain interesting detailing and provide visual interest at the street level; and/or
- Have large window openings with potential for a positive interface with the public domain.

Green roof means a vegetative landscape grown in a substrate installed on top of a roof surface for the purpose of growing vegetation. Green roofs are almost all vegetation with no trafficable areas and access for garden maintenance purposes only.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant or any building on the Victorian Heritage Register.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Public realm means all streets and spaces open to the public but does not include laneways.

Street wall means the facade of a building at or near the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building.

Street wall height means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is setback from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

Upper level means development above the height of the street wall.

2.2 General design requirements

The following requirements apply to an application to construct a building or construct or carry out works.

A permit cannot be granted to vary a requirement expressed with the term ‘must’ or listed in a ‘Mandatory’ column of a table.

2.3 Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in Plan 1 and Table 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- The building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule.
- The development achieves design excellence through each of the following:
 - Greater building separation than the minimum requirement in this schedule.
 - Provide safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bicycle parking.
 - No additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
 - Where a site contains a character building it should be retained and incorporated within the design of a future building.

Architectural features may exceed the preferred height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by equipment or structures (other than solar panels and green roofs).

- The equipment and/or structures do not cause additional overshadowing on 22 September of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm.
- The equipment or structures do not extend higher than 3.6 metres above the maximum building height.

2.4 Street wall height and setback requirements

A permit should not be granted to construct a building or construct or carry out works which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.

Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, terraces and balustrades should not protrude into a setback.

Street walls should:

- Be designed to reinforce a pedestrian scale along streets and laneways.
- Include architectural detailing such as high quality tactile materials and depth and articulation to provide visual interest to pedestrians.

The street wall height of development adjoining a heritage building should not exceed the street wall height of the adjoining heritage building for a minimum length of 6 metres, unless specified elsewhere in this schedule.

Development should:

- Provide chamfered building corners at intersections to create additional public space at points of pedestrian congestion, where appropriate.
- Expand the public realm through inset building entrances and integrated seating, where appropriate.

Where the Heritage Overlay does not apply, development should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bicycle parking or landscaping.

Where an adjacent site has provided a ground level setback, development should provide a similar setback to achieve consistency along a street frontage.

2.5 Upper level setback requirements

Development should:

- Provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street.
- Incorporate architectural expression at upper levels distinct from but complementary to the street wall.
- Contain upper level setbacks above the street wall within a maximum of two steps to minimise repetitive stepping of the built form.
- Be setback from heritage buildings to ensure their visual prominence is maintained when viewed directly or obliquely along the street.
- Be setback to ensure architectural features of heritage buildings are visible.

2.6 Church Street precinct heights, setbacks and interface plan

Plan 1 - Building height, setback and interface plan (Church Street Precinct)

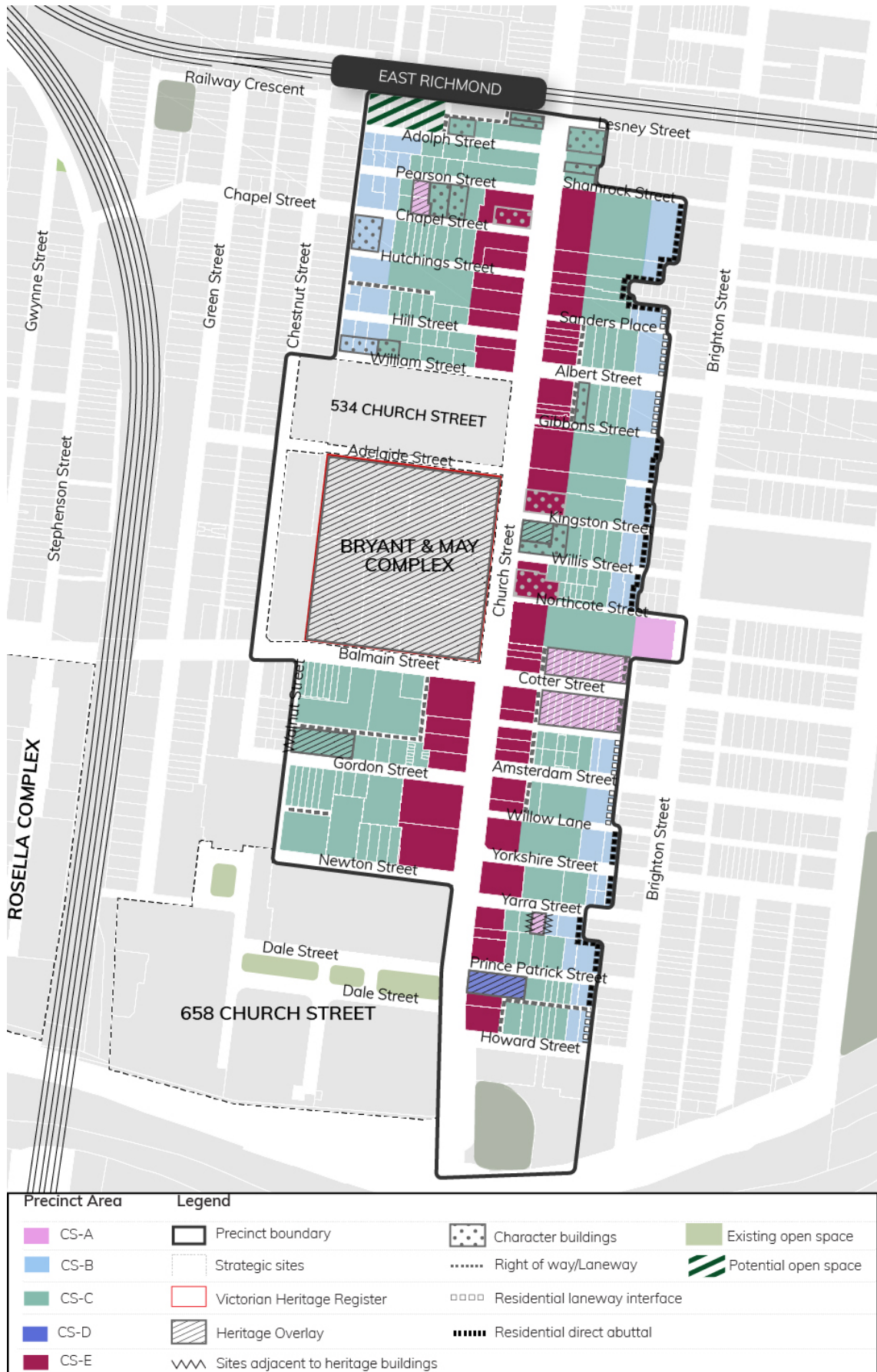


Table 1 - Building height and setback requirements (Church Street Precinct)

Built Form	Built Form Preferred Requirement	Mandatory Requirement
Area CS-A		
Maximum building height	12m	None specified
Maximum and minimum street wall setback	6 Yarra Street - Retain existing setback 11 Chapel Street and 10 Pearson Street - Retain existing setbacks for heritage buildings, along with the eastern and southern façade and original roof form. Infill buildings to match setbacks of heritage buildings 3 to 13, 17 to 19 and 4 to 18 Cotter Street – For heritage buildings - retain existing heritage setbacks For non-heritage buildings - match the adjacent heritage building setbacks	None specified
Maximum street wall height	6 Yarra Street - Retain heritage façade 11 Chapel Street and 10 Pearson Street - Retain heritage façades. Infill development to match the parapet height of the heritage buildings 3 to 13, 17 to 19 and 4 to 18 Cotter Street – For heritage buildings - retain heritage street wall For non-heritage buildings – match adjacent heritage building	None specified
Minimum upper level setback	6 Yarra Street – 7m 11 Chapel Street and 10 Pearson Street - 10m to the Chapel Street frontage and 9m to the Pearson Street frontage 3 to 13, 17 to 19 and 4 to 18 Cotter Street - Upper levels setback behind the front two rooms. Non-heritage buildings – None specified	None specified

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Built Form	Built Form Preferred Requirement	Mandatory Requirement
Maximum boundary wall height	None specified	None specified
Area CS-B		
Maximum building height	20m	None specified
Maximum and minimum street wall setback	8 Yarra Street - Match front setback of the adjacent heritage building at 6 Yarra Street for a minimum distance of 6m Elsewhere - None specified	None specified
Maximum street wall height	12m	None specified
Minimum upper level setback	3m	None specified
Maximum boundary wall height	20m	None specified
Area CS-C		
Maximum building height	28m	None specified
Maximum and minimum street wall setback	533-537 Church Street - Retain existing heritage setback 2-4 Yarra Street and 8 Yarra Street - Match front setback of adjacent heritage building at 6 Yarra Street for a minimum of 6m Elsewhere - None specified	None specified
Maximum street wall height	533-537 Church Street - Retain heritage street wall. Infill development on the site to match the height of heritage street wall Elsewhere - 12m	None specified
Minimum upper level setback	533-537 Church Street - Above heritage building – 7m on the Church Street frontage and 5m at the Kingston Street frontage to retain heritage buildings and stepped parapet visible on Kingston Street; Infill development on the site – 3m Elsewhere - 3m	None specified.
Minimum side setback	8 Yarra Street - 2.5m from the western side boundary for a length of 6m measured from the northern property boundary to ensure views to the side stone work are retained Elsewhere - None specified	None specified

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Built Form	Built Form Preferred Requirement	Mandatory Requirement
Maximum boundary wall height	20m	None specified
Area CS-D		
Maximum building height	32m	None specified
Maximum and minimum street wall setback	Retain the existing heritage street setback Infill development on the site – 0m	None specified
Maximum street wall height	Retain heritage façade Infill development on the site to match the heritage parapet	None specified
Minimum upper level setback	Heritage Building - 12m from the Church Street frontage and 16m from the Prince Patrick Street frontage Infill development - 3m	None specified.
Maximum boundary wall height	18m	None specified
Area CS-E		
Maximum building Height	40m	None specified
Maximum and minimum street wall setback	None specified	None specified
Maximum street wall height	16m	None specified
Minimum upper level setback	5m	None specified
Maximum boundary wall height	24m	None specified

2.7 Building separation requirements

Development above the street wall should be appropriately spaced and sited to minimise visual bulk and provide an outlook, good daylight, sunlight penetration and views to the sky.

Development above the boundary wall height for sites with a frontage of less than 20 metres should be setback as shown in Table 2 and may be built to the boundary, limited to one side of the site.

For sites with a frontage of 20 metres or more, upper level development on common side and rear boundaries should be setback above the boundary wall height as shown in Table 2.

Where a site adjoins an existing blank boundary wall, development may be constructed on the boundary to the height of that existing wall.

Where development is proposed on the boundary above the boundary wall height, it should:

- Be well articulated if visible from the street.
- Not be constructed along the entire length of the boundary.
- Not result in a continuous wall of buildings when viewed from the street.

Development with multiple buildings on a site should be setback at upper levels above the boundary wall height as shown in Table 2.

Where the common boundary is a right of way or laneway as shown on Plan 1, the setback is measured from the centre of the laneway.

Table 2 - Building separation distance

Overall height of the building	Minimum setback from common property boundary or laneway centreline	Minimum separation between buildings where there are multiple buildings on a site
1-3 levels above boundary wall height	3m	6m
4 or more levels above boundary wall height	4.5m	9m

2.8 Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works which casts any additional overshadowing of the following space between 10am and 2pm on 22 September for a minimum of 3 hours:

- Opposite footpath on Church Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

A permit must not be granted to construct a building or construct or carry out works which casts any additional overshadowing of the following space between 10am and 2pm on 22 September:

- Southern footpath of Balmain Street east of the railway underpass, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

Development should ensure there is no additional overshadowing of existing public spaces between 10am and 2pm on 22 September as identified on Plan 1.

Where new public open space is identified on Plan 1, adjoining development should consider whether building height and massing minimises additional overshadowing to any potential public open space

2.9 Interface to properties in Neighbourhood Residential Zone or General Residential Zone requirements

Development should protect the amenity of residentially zoned properties including visual bulk, overshadowing of private open space and overlooking.

Development with an interface to a residential zone should not exceed the maximum building height and setback requirements set out in Plan 1, Table 3 and Figures 1 and 2.

Development should provide a maximum of two steps in building form to minimise excessively stepped building design outcomes.

Table 3: Residential interface heights, ground and upper level setbacks

Interface	Maximum interface wall height	Minimum interface wall Setback	Minimum upper level setback
Direct Abuttal	8m	3m from property boundary	Upper level setback of 45 degrees above the interface wall height, for

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Interface	Maximum interface wall height	Minimum interface wall Setback	Minimum upper level setback
			up to a minimum distance of 12m from the interface wall.
Laneway Interface	8m	0m from property boundary	Upper level setback of 45 degrees above the interface wall height, for up to a minimum distance of 12m from the interface wall.

Figure 1 - Residential interface (Direct abuttal)

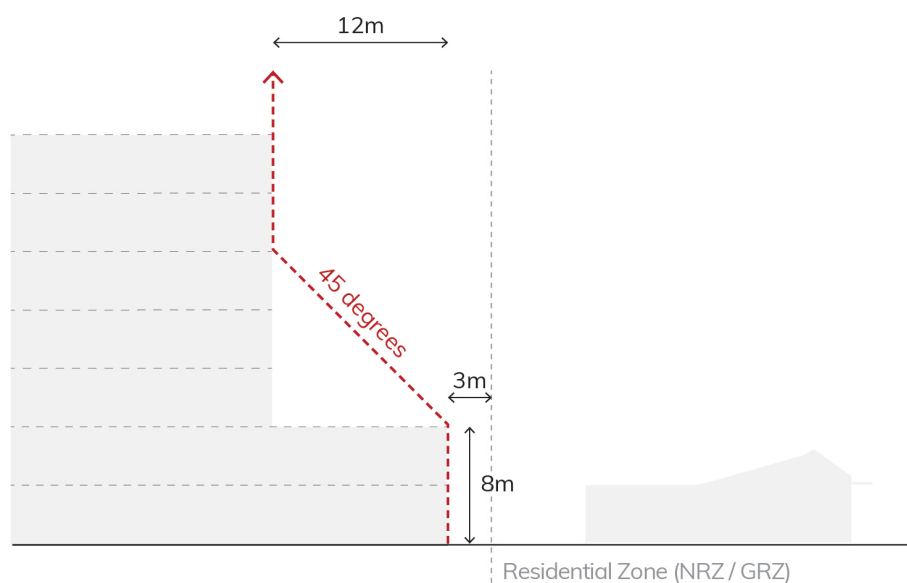
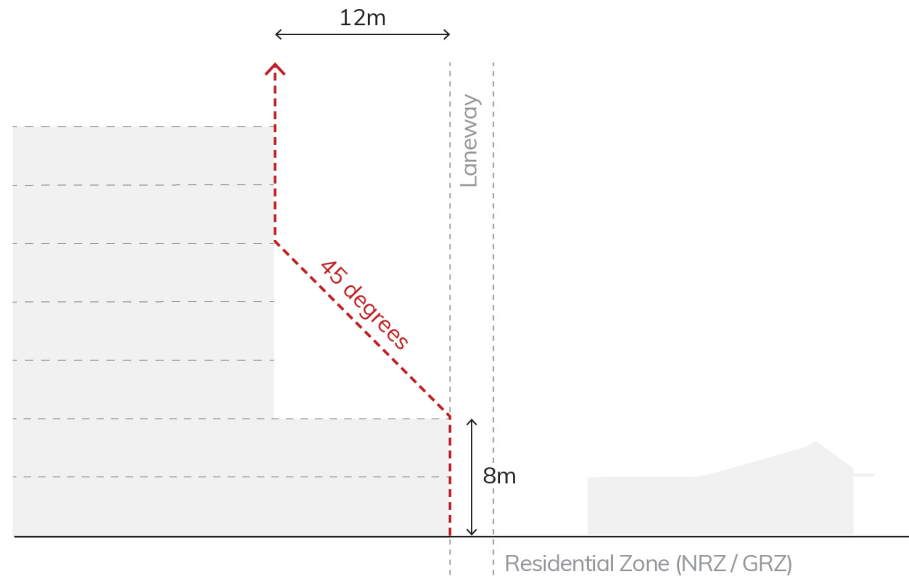


Figure 2 - Residential interface (Laneway interface)



2.10 Character buildings requirements

Development should facilitate adaptive reuse of character buildings as set out in this schedule and identified on Plan 1:

- 13 and 15-17 Adolph Street
- 1 Albert Street
- 2 Chapel Street
- 13 and 15 Chapel Street
- 447 Church Street
- 455 Church Street
- 472 Church Street
- 474 Church Street
- 492 Church Street
- 527 Church Street
- 539 Church Street
- 543-545 Church Street
- 9 William Street
- 13-15 William Street

Development should retain a character building (or substantial part), when visible from the street.

Development should incorporate materials that complement the existing character building in the new design.

2.11 Building design requirements

Development should:

- Achieve urban design and architectural excellence.

- Reinforce the industrial character of the precinct through robust and durable materials which reference to industrial typologies.
- Discourage facade treatment which creates unacceptable glare to the public realm and neighbouring properties.
- Be designed as separate forms on a wide street frontage with smaller vertical sections or distinct elements to provide breaks and modulation in the street.
- Provide a high level of design detail at the ground floor and lower levels.
- Provide well-designed entrance spaces to create a transition between the public and private realm and encourage activity to occur at the street interface.
- Activate the street at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- Be sensitively designed to ensure visual bulk of upper levels adjacent to heritage buildings is minimised.
- Apply high quality materials which complement to the materiality of an adjacent heritage or character building.
- Incorporate well designed building edges and facades which are visible from the elevated railway line or Yarra River (Birrarung).
- Discourage continuous walls of buildings when viewed from the street by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.
- Discourage blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide visual interest.
- Be designed as a series of smaller building forms on larger sites which contribute positively to their context and historic urban grain form.

Development should provide comfortable wind conditions in the public realm and communal open space.

Frontages along Church Street at ground floor should incorporate awnings or verandahs.

Building services should not be visible on primary building facades, occupy less than 40 percent of the ground floor area of the site, and be integrated into the building design.

Services should occupy a minimal proportion of any facade including the primary facade, if it is not possible to locate them elsewhere.

Development should locate sub-stations underground or above ground level (in that order of preference), where possible, and access should be provided from right of ways, laneways or located off the primary street.

Development should ensure floor to ceiling heights are appropriate to support a range of uses over time.

Development should enable subdivision of floorplates into smaller tenancies over time.

Car parking should be designed to enable adaptation to other uses over time, especially parking on the ground level and above.

Development should incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where it does not impact the significance of a heritage place.

Development should maximise access to daylight through windows, lightwells, shallow floorplates, adequate floor to ceiling heights and building separation.

Development should achieve high quality internal amenity within the development.

Development should provide access to balconies, terraces and courtyards to enhance amenity for building occupants.

Development should provide opportunities for greening, especially at the lower levels of the building.

Development should minimise the impact of development on solar access to adjacent solar panels, where possible.

2.12 Vehicle access and laneways requirements

Vehicle access should be achieved from a right of way, laneway or side street (in that order of preference).

Where access is required from a street, right of way or laneway of 6 metres or less, include a setback at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback in the laneway should provide a minimum width between walls of 6.1 metres (including the existing laneway). Between ground level and first floor, a headroom clearance of 4 metres minimum should be achieved.

Where a property extends the full length of the laneway or street, development should provide additional ground floor setbacks to increase the width of existing laneways and streets to a minimum of 6.1 metres for the whole frontage of the site to the laneway.

Car parking should be located within a basement or concealed from the public realm (in that order of preference).

Separate entries for car parking entries and loading bays is discouraged.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- Ensuring a high standard of pedestrian amenity.
- Limiting potential conflict between vehicle movements and pedestrian activity.
- Avoiding wide crossover points.
- Ensuring adequate spacing between crossovers.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

At the intersection of right of way/laneways and footpaths, development (except for heritage buildings) should provide a minimum 1 x 1 metre splay to facilitate pedestrian sightlines.

Properties on the inside corner of bends in laneways or at intersections between two right of ways or laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

2.13 Pedestrian and bicycle design requirements

Development should ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Development should provide well-designed bicycle infrastructure and end-of-trip facilities.

Visitor and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

2.14 Exemption from notice and review

An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

3.0**Subdivision**

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None specified.

4.0**Signs**

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None specified.

5.0**Application requirements**

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The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Site analysis and urban design context report which demonstrates how the development achieves the design objectives and requirements of this schedule.
- A wind study analysis for development greater than 15 metres in building height to assess the wind impact on:
 - The safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
 - The safety and effects on cyclists travelling along bicycle routes adjacent to the development.
- Where a character building is proposed to be retained (in full or part):
 - A retention and refurbishment plan, detailing the building fabric to be retained and/or refurbished.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that:
 - Demonstrates how the development minimises impact on the level of service, safety and amenity of the arterial road network (including the operation of tram services).
 - Demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - Includes an assessment of the impacts of traffic and parking in the precinct including an assessment of the ongoing functionality of a laneway or right of way, where applicable.

6.0**Decision guidelines**

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development achieves adaptable and practicable floor plan layouts for different uses.
- Whether development provides a high quality public realm interface which activates the street edge and demonstrates a well-designed street interface.
- Whether the design of the development reflects the industrial character of the precinct.
- Whether development supports adaptive re-use of character buildings.
- Whether development is designed to sensitively respond to local and state significant heritage places.
- Whether the design considers the impact of glare on the safety of pedestrians and vehicles.
- Whether heritage buildings retain their prominence when viewed from the public realm, including from the opposite side of the street.
- Whether the street wall height and overall building height respond to the width and character of the street.

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- Whether an awning, verandah or overhang impacts on street tree planting in the public realm.
- Whether the development delivers design excellence including but not limited to building siting, scale, massing, articulation and materials.